

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Atsushi MIYAWAKI et al. Confirmation No. : 5555
Serial No : 10/575,900 Group Art Unit : 1645
(National Stage of PCT/JP2004/015671)
I.A. Filed : October 15, 2004 Examiner: not yet assigned
For : FLUORESCENT INDICATOR USING FRET

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98, Applicants hereby direct the Examiner's attention to the following documents cited in the International Search Report for International Application PCT/JP2004/015671 of which the above-referenced application is the U.S. National Stage Application. A Copy of the International Search Report (in Japanese) was enclosed with the papers when entering the National Stage on April 14, 2006:

- (1) G.S. Baird et al., Proc. Natl. Acad. Sci. USA, 1999, Vol. 96, pp. 11241-11246;
Applicants note that this document is also discussed in the present application, beginning at page 3, line 1;
- (2) WO 00/71565 A2, November 30, 2000;
- (3) U.S. Patent No. 6,699,687 (Tsien et al.), March 2, 2004; Applicants note that this document is a family member of document (2);

- (4) WO 98/40477 A1, September 17, 1998;
- (5) U.S. Patent No. 5,998,204 (Tsien et al.), December 7, 1999; Applicants note that this document is a family member of document (4);
- (6) Nagai et al., Biophysics, 2002, Vol. 42, No. 6, pp. 305-308;
- (7) Takemoto et al., J. Cell. Biol., 2003, Vol. 160, No. 2, pp. 235-243;
- (8) T. Nagai et al., Proc. Natl. Acad. Sci. USA, 2001, Vol. 98, pp. 3197-3202;
Applicants note that this document is also discussed in the present application, beginning at page 8, line 22; and
- (9) T. Nagai et al., Proc. Natl. Acad. Sci. USA, 2004, Vol. 101, pp. 10554-10559.

Applicants also direct the Examiner's attention to commonly assigned and co-pending U.S. patent application:

- (10) Application No. 10/537,772, filed June 10, 2005 and entitled "FLUORESCENT INDICATOR USING FRET", which is a U.S. National Stage Application of PCT/JP2003/015790, filed June 10, 2005, and which was published as U.S. 2006/0275822.

In accordance with 37 C.F.R. § 1.98 and the waiver thereto, copies of the U.S. patents and patent application are not enclosed herewith. However, if copies are needed, the Examiner is respectfully requested to contact the undersigned.

Copies of above listed documents (except for document 6), the International Search Report (in English) and the International Preliminary Report on Patentability (in English) for International Application PCT/ JP2004/015671, are enclosed together with a duly completed Form PTO-1449. A copy of document 6 is not readily available to the undersigned. However, since this document is cited in the International Search Report, a

copy should be in the file at the U.S. Patent and Trademark Office. Should the Examiner need a copy of document 6, the Examiner is respectfully asked to contact the undersigned.

The Examiner is accordingly requested to consider each of these documents, and to make them of record in this application by initialing in the appropriate spaces on the Form PTO-1449. Applicants respectfully request that the Examiner include a copy of the initialed Form PTO-1449 with the next communication from the U.S. Patent and Trademark Office.

Applicants note that while this Information Disclosure Statement is being filed more than three months from the filing date, Applicants have not received an action on the merits from the U.S. Patent and Trademark Office. Accordingly, consideration of the enclosed documents are required under 37 C.F.R. 1.97(b)(3).

However, if an action on the merits has been mailed prior to the filing date of this Supplemental Information Disclosure Statement, Applicants hereby authorize the charging of any required fees necessary for consideration of the documents cited herein to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,
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42,920

May 8, 2007
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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.